

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-10 EUR-12 ISO-00 OES-07 INR-10 DLOS-09
ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-11 FMC-01 TRSE-00 H-01 INT-05 IO-13
JUSE-00 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-05
SP-02 SS-15 USIA-06 /149 R

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ARA/AND - MR. SERGEANT
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FM SECSTATE WASHDC
TO AMEMBASSY CARACAS
INFO AMEMBASSY THE HAGUE
AMCONSUL CURACAO
AMEMBASSY LONDON
AMEMBASSY PARIS

C O N F I D E N T I A L STATE 040160

E.O. 11652:GDS

TAGS: EFIS, PBOR, PLOS

SUBJECT: VENEZUELAN MARITIME BOUNDARIES

REFS: A) 77 STATE 302783; B) 77 STATE 241792;
C) 77 CARACAS 12381; D) CARACAS 01432;
E) 77 CARACAS 11644

1. AS NOTED IN REF A, DEPARTMENT HAS BEEN CONSIDERING
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SEVERAL POSSIBLE APPROACHES TO MARITIME BOUNDARY ISSUE.
THIS CABLE SETS OUT PRESENT DEPT THINKING AND REQUESTS
EMB VIEWS.

2. AS EMB IS AWARE, THE ISSUES TO BE ADDRESSED RELATE TO
TWO SPECIFIC GEOGRAPHICAL AREAS: THE AREA INFLUENCED BY
THE EFFECT GIVEN AVES ISLAND; AND THE AREA INFLUENCED BY

ARUBA, BONAIRE, AND CURACAO.

3. AVES: THE ISSUE IN THIS AREA RELATES TO THE PREJUDICE THAT THIRD STATES MIGHT EXPERIENCE IF THE US AND VENEZUELA WERE TO DEVELOP AN EQUIDISTANT BOUNDARY IN THIS AREA GIVING FULL EFFECT TO AVES. AS NOTED IN PARA 3 OF REF B, THE US FISHERY ENFORCEMENT LIRE IN THIS AREA IS EQUI-DISTANT FROM AVES. THAT POSITION WAS TAKEN BASED ON A GENERAL USG POSITION TO GIVE ISLANDS FULL EFFECT IN EQUI-

DISTANT DELIMITATIONS. HOWEVER, REF B NOTED THAT AS A GENERAL LEGAL MATTER, NEIGHBORING STATES COULD ARGUE THAT AVES IS A SPECIAL CIRCUMSTANCE AND THAT IT IS NOT ENTITLED TO FULL EFFECT IN A DELIMITATION. USG HAS BEEN CONCERNED THAT A FORMAL US-VENEZUELA AGREEMENT IN THIS AREA, GIVING AVES FULL EFFECT, WOULD SERIOUSLY HAMPER THE ABILITY OF THESE OTHER NEIGHBORING STATES TO MAKE A PERSUASIVE LEGAL CASE.

4. WITH THIS IN MIND, IT IS NECESSARY TO ANALYZE WHETHER USG CONCERNS ARE REAL. THE OTHER COUNTRIES WITH A STAKE IN THE AVES ISSUE ARE FRANCE (GUADELOUPE), THE UNITED KINGDOM (MONTSERRAT, ST. CHRISTOPHER-NEVIS) AND THE NETHERLANDS (SABA AND ST. EUSTATIUS). REF C REPORTS THAT VENEZUELA AND THE NETHERLANDS HAVE AN ORAL UNDERSTANDING REGARDING EQUIDISTANCE IN THIS AREA; IF SO, CONFIDENTIAL

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THE NETHERLANDS WOULD NOT BE PREJUDICED BY A US-VENEZUELA EQUIDISTANCE AGREEMENT FOR THIS AREA, AND THE IMPACT OF A US-VENEZUELA AGREEMENT ON THE OTHER STATES IN THE REGION WOULD BE REDUCED. IT WOULD BE HELPFUL IF GOV COULD PROVIDE US WITH INFORMATION INDICATING THAT THIS CONCERN CAN BE MET. ALTERNATIVELY, IT MIGHT BE USEFUL TO QUERY UK, FRENCH AND DUTCH GOVERNMENTS REGARDING THEIR POSITION IN THIS AREA.

5. THE SECOND AREA IS THAT INFLUENCED BY ARUBA, BONAIRE AND CURACAO. THE CENTRAL ISSUE HERE IS SIMPLY WHAT COUNTRY IS GEOGRAPHICALLY OPPOSITE THE US FISHERY CONSERVATION ZONE: IS IT THE NETHERLANDS ANTILLES, OR IS IT VENEZUELA. DEPT BELIEVES THAT US PARTICIPATION IN AN AGREEMENT FOR THIS AREA MUST FINESE THIS QUESTION SO AS NOT TO PREJUDICE THE POSITION OF EITHER THE NETHERLANDS ANTILLES OR VENEZUELA.

6. DEPT SEES ESSENTIALLY TWO WAYS TO ACCOMPLISH THIS GOAL, AND REQUESTS EMBASSY VIEWS. ONE WAY WOULD BE TO ENTER A TRILATERAL AGREEMENT FOR THIS AREA (OR POSSIBLY TWO BILATERALS) WHICH WOULD INCLUDE THE NETHERLANDS

ANTILLES, VENEZUELA, AND THE U.S. THE AGREEMENT WOULD SET FORTH THE AGREED LIMITS OF US FISHERY JURISDICTION AND WOULD NOT SPECIFICALLY ADDRESS THE EXTENT OF VENEZUELA OR THE NETHERLANDS ANTILLES JURISDICTION.

7. THE SECOND WAY TO ACCOMPLISH THIS GOAL IS THAT REFERRED TO IN REF E AND QUERIED IN REF D. IT IS TO ENTER A BILATERAL WITH VENEZUELA WHICH WOULD (A) ESTABLISH THE BOUNDARY IN THE AREA INFLUENCED BY AVES ASSUMING WE CAN DO SO WITHOUT PREJUDICE TO THIRD COUNTRIES

AND (B) THEN AT A POINT BEFORE BONAIRE COMES INTO EFFECT, TURN THE LINE ON A AZIMUTH WHICH RUNS THROUGH THE TRIJUNCTION POINT OF AVES, ISLAS LOS ROQUES, AND PUERTO CONFIDENTIAL

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RICO; AND THE TRIJUNCTION POINT BETWEEN ARUBA, PUERTO RICO AND THE DOMINICAN REPUBLIC. THE LINE CREATED BY SUCH AN AZIMUTH WOULD NOT BE PRECISELY EQUIDISTANT BUT IT WOULD BE CLOSE. THE LANGUAGE OF THE AGREEMENT WOULD READ "FROM POINT X, AT AN AZIMUTH OF Y DEGREES UNTIL IT REACHES THE JURISDICTION OF A THIRD STATE." THE THIRD STATE WOULD BE AMBIGUOUS. VENEZUELA COULD INTERPRET THE THIRD STATE TO BE THE DOMINICAN REPUBLIC; THE NETHERLANDS COULD INTERPRET THE THIRD STATE AS BEING ITSELF. THE US WOULD NOT OFFICIALLY INTERPRET THE LANGUAGE, BUT WOULD USE THE LINE CREATED AS THE LIMITS OF OUR FISHERY JURISDICTION.

8. EMBASSY VIEWS ARE REQUESTED ON THE FEASIBILITY OF THESE APPROACHES AND AS TO THE DESIRABILITY OF DISCRETE INQUIRIES TO THE OTHER GOVERNMENTS CONCERNED ON THESE MATTERS (UK, FRANCE, AND THE NETHERLANDS). VANCE

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